

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Case No. 5:23-CV-00447-M

PATRICIA SLATTON,

Plaintiff,

v.

MARTIN O'MALLEY,  
Commissioner of Social Security,

Defendant.

ORDER

This matter comes before the court on the Plaintiff's brief in support of her request for review of the Commissioner's decision. DE 11. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), United States Magistrate Judge Robert B. Jones, Jr. issued a Memorandum and Recommendation ("M&R"), recommending that the court grant Plaintiff's request and remand the matter to the Commissioner for further proceedings. DE 16. To date, no objections have been filed.<sup>1</sup>

A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the . . . recommendation[ ] . . . receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection


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<sup>1</sup> Judge Jones issued the M&R on July 2, 2024, and ordered that the parties file any objections on or before July 16, 2024. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b)(2); Local Civil Rule 72.4(b). The parties' briefs and the M&R were submitted to this court for disposition on July 22, 2024.

is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Plaintiff’s request for review and remand [DE 11] is GRANTED, and the matter is remanded to the Commissioner for further proceedings consistent with the M&R and this order. The Clerk of Court is directed to close this case.

SO ORDERED this 23<sup>d</sup> day of July, 2024.

  
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RICHARD E. MYERS II  
CHIEF UNITED STATES DISTRICT JUDGE